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REMARKS

In the present amendment claims 1, 10, 13, 14, 17, 19-21, 24, 25, 29, 30, 33, 38-41, 49, 59-61 are amended and new independent claims 62 and 63 are added. A new abstract is provided in response to the Examiner's comment 9 regarding legal phrasology.

Claims 1-25, 27-29, 36-38, 40, 46, 49-50, and 52-57 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,468,215. Applicants note the Examiner's broad interpretation of "ossification actuated" as meaning "undergoing bone change" and agree that this is the meaning of the term.

Claim 1 is amended to delete "one or more structures including" and "or a cranial structure that changes with age" to improve clarity of the claim and to characterize acoustic energy as being transmitted substantially transverse to the ossification activated skeletal structure.

Support for the limitation of transverse propagation is found in Figs. 1 and 2, which show ultrasound energy being transmitted transverse to a skeletal structure, and in the text, for example, on page 9 line 20, which characterizes the method of ultrasound transmission as a "through method", on page 14 line 25, which notes that the "ultrasound signals pass through two or more bones" and on page 18 line 21-23, which recites "across the width of a bone".

U.S. Patent No. 6,468,215 teaches transmitting ultrasound along a bone and not transverse to a bone as is clearly evidenced by Figs. 1-3, which show a device for acquiring measurements for ultrasound that propagates along a surface of a bone and not transverse to the bone, and by discussion of the figures, e.g. column 4 lines 54 and 55. U.S. Patent No. 6,468,215 therefore does not anticipate amended claim 1.

Independent claim 49 is amended to delete "on either side of one or more structures including" and to define the relative locations of the transmitter and receiver so that apparatus defined by the claim does not appear to include the ossification actuated skeletal structure. The locations of the transmitter and receiver in both the unamended and amended versions of claim 49 indicate that ultrasound transmission is substantially transverse to the skeletal structure. The invention claimed in both versions of claim 49 is therefore clearly differentiated over material disclosed in U.S. Patent No. 6,468,215 and claim 49 is patentable over U.S. Patent No. 6,468,215 for the same reasons that claim 1 is patentable.

Claims 1 and 49 are the only independent claims in the present claim set and applicants submit that the dependent claims in the claim set are patentable at least through their dependence on the independent claims.

Claim 10 is amended to correct a clerical error and replace the word "contains" with the word "comprises".

Claim 13 is amended to replace "the" with "a".

Claim 14 is amended to include the phrase "said skeletal structure comprises a portion of each of a plurality of bones and" to provide appropriate antecedents for "different bones" at the end of the claim.

Claims 17, 19-21, 24, 29, 30, 38-40 are amended to delete the phrase "one or more structure including" to conform the claims to the deletion of the phrase in claim 1.

Claim 25 is amended to add the word "predict" which is obviously missing from the claim.

Claim 33 is amended to replace the word "an" with the word "said".

Claim 41 is amended to remove the repetition of "predict one or more of".

Claims 59-61 are amended to replace "one or more structure including" with the word "said".


The material recited in new independent claim 62 is supported throughout the application, *e.g.* page 2 line 25-27, page 3 line 1, page 9 lines 3-10 and Figs. 1, 2 and 3.

The material recited in new claim 63 is supported by the discussion in the text on page 18 lines 21-26.

Applicants did not received a 2-page PTO-1449 form, filed in a First Supplementary Information Disclosure Statement on January 27, 2003, and a 1-page PTO-1449 form, filed in a Second Supplementary Information Disclosure Statement on June 23, 2001, initialed by the Examiner in return. Applicants are resubmitting the forms herewith and respectfully requesting that the items listed thereon be initialed by the Examiner to ensure that they appear on the face of the patent issuing on the present application. Applicants assume that the art has already been considered by the Examiner in accordance with MPEP §1893.03.

In view of the above, applicants submit that all the pursuant to the current amendment are patentable. An action on the merits is respectfully awaited.

Respectfully submitted,  
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**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	6,280,402	28 AUG '01	ISHIBASHI, Y. et al.			

**FOREIGN PATENT DOCUMENTS**

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

**OTHER DOCUMENTS** (Including Author, Title, Date, Pertinent Pages, Etc.)


EXAMINER

*A. J. Smith*


DATE CONSIDERED  
3-4-04

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

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**U.S. PATENT DOCUMENTS**


EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	1	5,651,363	29 Jul '97	KAUFMAN, J. J. et al.			

**FOREIGN PATENT DOCUMENTS**

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	2	EP 0 797 952	1 Oct '97	Europe				
	3	EP 0 626 656	30 Nov '94	Europe				

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

	4	SUN, Y. N. et al; "A Computer System for Skeletal Growth Measurement;" Computers and Biomedical Research; Vol. 27; 1994; pp. 2-12; XP002067754
	5	WEAR, K. A. et al; "Assessment of Bone Density Using Ultrasonic Backscatter;" June 1998; pp. 689-695; Ultrasound in Med Biol; Vol. 24; No. 5

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